

TO: The Attorneys in DeLeon and Baca

FROM: Jim Browning

RE: CJA Managing Attorney

DATE: April 27, 2018

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The Districts of Kansas, Colorado, and Utah (and other district courts) have a CJA managing attorney that the FPD funds. These managing attorneys typically handle CJA matters. Our district is considering whether our district should have such a position that the PFPD funds.

I would like your views on this issue so that your thoughts can inform my vote and voice. In a majority of districts, judges alone conduct a reasonableness review of attorney fees and requests for expert witnesses and other specialized services. The Federal Judicial Center and the Vera Institute of Justice, however, have found that placing voucher review into the hands of a centralized administration with defense experience is a better model than adding the judges with the role responsibility for reviewing vouchers.

I would particularly like your views on initial review of vouchers and recommendation to the presiding judge by the FPD. My concern is conflict of interest. The FPD has represented a cooperator which in our case is testifying against the Defendants at trial. Is anyone concerned about conflicts of interest? Does the conflict exist more in theory than in practice? Of all people, I think you could advise me on this issue. I look forward to your thoughts.

Jim

cc: Chief Judge William Johnson  
The Honorable Kirtan Khalsa